



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

**North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for February 28, 2007**

A meeting of the Environmental Planning and Policy Committee (EPPC) was held February 28, 2007 at 8:30 AM in the Board Room (Room 150) of the Transportation Building. Board Member Nina Szlosberg chaired the meeting. Other Board of Transportation members that attended were:

Tom Betts
Conrad Burrell
Mac Campbell
Bob Collier
Marion Cowell

Douglas Galyon
Arnold Lakey
Cam McRae
Andy M. Perkins, Jr
Nina Szlosberg

Other attendees included:

Tad Boggs
Wally Bowman
Theresa Canales
Tammye Davis
Marshall Dobson
Jennifer Garifo
Terry Gibson
Bill Gillmore
Lisa Glover
Ricky Greene
David Harris
Phil Harris
Mike Holder

Tim Johnson
Daniel Keel
Shannon Lasater
Neil Lassiter
Don Lee
Lacy Love
Beth McKay
Ehren Meister
Mike Mills
Jon Nance
Sandy Nance
Beth Neely
Ken Pace

Mike Pettyjohn
Delbert Roddenberry
Anthony Roper
Bill Rosser
Amy Simes
John Sullivan
Jay Swain
Cheryl Teeters
Dan Thomas
Greg Thorpe
Steve Varnedoe
Don Voelker
Marcus Wilner

Ms. Szlosberg called the meeting to order and circulated the attendance sheet. Ms. Szlosberg accepted a motion to approve the meeting minutes from the January 31, 2007 committee meeting. The minutes were approved as presented.

Ms. Szlosberg introduced Don Lee, State Road Environmental Engineer for the Department of Transportation - Roadside Environmental Unit. Mr. Lee began by acknowledging that he would be sharing his time with Mr. Mike Pettyjohn, PE, Division Engineer, Highway Division 11.

Mr. Lee started his presentation by acknowledging that the Environmental Stewardship Policy all comes down to an economic issue. He stated that it is not feasible to think that we are going to spend public dollars to build and maintain roads and not do it in compliance with environmental regulations. There is a cost to not do it in compliance and that is an economic issue we cannot afford. Mr. Lee declared that if we damage the state's resources since the environmental plays a key role in North Carolina's economic tourism engine. We need to keep program delivery and environmental stewardship in balance. He explained that program delivery has two top priorities: safety and the environment.

Mr. Lee stated that the Operations Branch is doing many great things and that their goal is to always operate with full disclosure. He acknowledged that this really helps reduce barriers when working with resource agencies. He also explained that implementation for the Sediment and Erosion Control Program requires very extensive monitoring with DOT through research and other opportunities. This program has been around since the 1970s and is our only fully delegated program.

Mr. Lee informed the audience that in 2006, NCDOT spent \$16 million picking up 10 million pounds of trash. This effort was mainly completed by more than 100 crews from the Department of Corrections and 5700 Adopt-A-Highway groups.

Mr. Tom Betts asked, "Why can't we use more prisoners?"

Mr. Steve Varnedoe responded that 90% of the Inmate Labor Crew's (medium security) time is spent on litter pickup. We just didn't have enough prisoners (minimum security) to do other work. Our urbanized areas is where we have our most difficulty because there are not enough prisoners to maintain the cleanup of roadside litter. Also, due to safety issues, prisoners are not allowed to work in the medians.

Mr. Betts asked if we are using our resources to their fullest capacity.

Mr. Varnedoe responded, "Absolutely, we are optimizing the resources we can get from the Department of Corrections."

Mr. Conrad Burrell noted that he saw at least seven squads of Inmate Labor Crews on his way to Raleigh. He also stated that tickets for littering are not being written because they get put on the backburner when they get to court.

Mr. Lee noted that we must use a three-prong approach to litter: Education, Prevention, and Enforcement. He agreed that there is no incentive to write tickets because it is hard to get a conviction and it clogs up the courts.

Mr. Lee moved on to acknowledge that DOT is the largest land disturber in North Carolina, beyond NC Department of Agriculture. In 2006 the Legislature was active in environmental legislation by making a new mandatory standard. Known as the Sediment Act, this new standard deals with installment plans in the field.

Mr. Lee gave a project profile for the Clayton Bypass in Division 4. He stated that Mr. Ricky Green and his group are in the process of dealing with an intensely environmental sensitive area which is populated with the Dwarf Wedge Mussel, a federally protected species. In order to minimize and monitor turbidity, which is detrimental to the species, they have put in place several features to minimize impacts during construction, as well as quarterly or monthly meetings within the agencies. This will help to identify what's going on with specific projects, such as complaints and/or history. Another action they have taken is to put in water sampling to quantify the runoff. The goal was to have a maximum TCU of 50; however they came in with less than 50, which is not always possible.

Mr. Lee addressed another interesting project in Division 7 at Sedgfield Lakes that is being lead by Mike Mills. Known as the Greensboro Urban Loop Project, DOT has brought in a third party to monitor the runoff and tell us what impacts we are having. The third party was brought in so that we could identify problems early, resolve them and deliver the project with minimal environmental impact.

Next, under the principle of full disclosure, Mr. Lee discussed the Roadside Environmental Unit report card. The graph shown has a bar chart of which NC Department of Environment and Natural Resources unit has given an NOVs to the Roadside Environmental Unit, and how many they gave each year. Mr. Lee explained that his unit did receive two NOVs in 2006; however, they were very site specific. These citations were due to issues with pipe installation and communication failure regarding permits.

Mr. Lee moved on to discuss the Clear Zone Improvement Program. He stated that in the 1970's when road patterns were being established, clear zones were put into place to reduce energy costs. Recently, we have not had the money, resources or time to keep these areas clear. This is causing a problem when storms (e.g. hurricanes, ice storms) occur because the trees end up in the roadway. The Clear Zone Improvement Program is used to improve visibility and add an aesthetic hedge line to keep trees from growing in this area.

Mr. Lee acknowledged the DOT has more than 130 NPDES facilities with storm water plans for each site. Currently there is a plan for a Green Rest Area in Wilkes County. For this site, the county has secured the land and DOT is building the facility. DOT will be trying to get a Platinum Certification under the Leadership and Energy Environmental Design (LEED) process. To aim for this level of certification, the cost will increase up to 8%; however, it would be the first one nationwide with that level of certification.

The next topic on the agenda is Emerging Issues. Mr. Lee described the challenges with new subdivisions and the ownership of storm water treating devices when DOT assumes the right of way. He elaborated by explaining that DOT already has between four and five hundred BMPs in North Carolina and is anticipated to increase with the rise in road improvements.

Mr. Lee turned the presentation over to Mr. Pettyjohn.

Mr. Pettyjohn discussed examples of issues that he had encountered in Division 11. The first example Mr. Pettyjohn stated was common, which was having to replace perched pipe that was

put in many years ago. The goal is not only to replace the pipe, but to also get it out of a perched state.

Another example included adding natural materials to a stream bed that had been made too wide, because the water could not get deep enough for the wild life. By adding the natural material, the stream is now manageable in width and depth.

Mr. Pettyjohn stated that in some cases they add baffles and stills to give the stream a natural flow.

In buffer zones, Mr. Pettyjohn informed that permits are required. These zones were a big issue last year for all three mountain divisions. The goal is to repair the buffer and the vegetation.

In one case where there was blasting required. Mr. Pettyjohn explained that materials had gotten into the stream. This was the enabling factor that led to a new Division Blasting Policy, which states:

- ◆ Must have blasting mats
- ◆ Limit shot length
- ◆ Hold a pre-blast meeting
- ◆ Use a rock hammer exclusively when possible

In addition, Mr. Pettyjohn explained that a Reclamation Plan Approval Form must be completed to get a waste site. A Permit Compliance Checklist is also completed during a project to determine what is being done whether it is right or wrong. Mr. Pettyjohn described the list of “Incentives” that contractors have to get the project done right and with environmental compliance. This list of incentives includes violations and fines.

Ms. Szlosberg asked if the contractor fines included the cost of the fines received by DOT.

Mr. Pettyjohn replied that the contractor is fined the cost of the fine for DOT and required to fix the work/clean up the site.

Mr. Szlosberg asked the Board and meeting participants if anyone had any questions for Mr. Lee or Mr. Pettyjohn.

Ms. Szlosberg introduced Mr. Bill Gilmore from the Department of Environment and Natural Resources, Ecosystem Enhancement Program (EEP).

Mr. Gilmore announced that the Ecosystem Enhancement Program received an award from the NC Federation Wildlife. He and Ms. Debbie Barbour attended the official presentation on February 10, 2007. Mr. Gilmore presented the trophy to Ms. Szlosberg and the DOT as part of our combined efforts, for temporary display. The trophy will later go to the Army Corps of Engineers for display.

Mr. Gilmore gave a brief overview of the past year accomplishments, including:

- 44 months of providing permit-needed mitigation without delays
- Statewide stream assets being managed = ½ million credits
- Statewide wetland assets being managed = 13,000 acres
- Combined inventory of Restored, Enhanced or Protected resources
 - 500 miles of streams
 - 13,800 acres restored lands
 - 39,000 acres of protected lands
 - Totaled approximately 52,000 acres in the system

Mr. Gilmore also gave a brief preview of what is to come in the year ahead, including:

- Development of statewide strategic plan based on the latest TIP forecasts from the NCDOT
- Submittal of the biennial budget for the upcoming two-year period
- Design and construction phases of project implementation
- Roll-out of several web-based program to include the IMS database system and a project inventory system overlay similar to the HQP cut sheets presently on our website

Ms. Szlosberg asked if there were further questions and adjourned the meeting.

The next meeting for the Environmental Planning and Policy Committee is scheduled for Wednesday, April 4, 2007 at 8:30 a.m. in the Board of Transportation Room (Room 150) of the Transportation Building.

NS/ct